5109812/2021/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture & Cooperation (H&S) Department - Regularization of services of Sri V.Rama Krishnam Naidu, S/o Tamminaidu, Retired Field Assistant, Vizianagaram District with effect from 25.11.1993 for the purpose of fixation of Pension and Pensionary benefits as per the orders of the Hon'ble High Court in C.C.No.1089 of 2020 in W.P.No.4596 of 2020, dated 25.02.2020, subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi - Orders - Issued.

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AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.64.

Dated:22.10.2021.

Read the Following:-

1. G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994.
2. G.O.Ms.No.11, Finance (HR.III) Department, dated.20.01.2017.
3. Proc.Rc.No.13/2017–E, dated.23.02.2017 of the Asst.Director of Sericulture, F1 Grainage, Vizianagaram, Vizianagaram District.
4. Orders dated.22.09.2017 of the Hon'ble A.P.AdministrativeTribunal, Hyderabad in O.A.No.2745 of 2017 filed by Sri V.Rama Krishnam Naidu, Retired Field Assistant, Vizianagaram District.
5. Orders dated.25.02.2020 of the Hon'ble High Court, A.P., Amaravathi in W.P No.4596/2020 filed by Sri V.Rama Krishnam Naidu, Retired Field Assistant, Vizianagaram District.
6. From Commissioner of Sericulture, A.P., Guntur Lr.Rc.No.367/2020-B3A, dated.09.06.2020.
7. C.C.No.1089 of 2020 in W.P No.4596 of 2020 filed by Sri V.Rama Krishnam Naidu, Retired Field Assistant, Vizianagaram District.
8. Court Proceedings dated 03.09.2021 of the Hon'ble High Court, A.P., Amaravathi in C.C.No.1089 of 2020.
9. From Government Pleader for Services-I, High Court of A.P, Amaravathi letter dated.06.09.2021.

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ORDER :

In the G.O. second read above, orders were issued to create (726) posts in the categoryof Field Assistant under supernumerary basis for regularization of services of Full Time Contingent Employees working in the Sericulture Department those who have completed 5 years of service as on 25.11.1993 and continuing in the Sericulture Department. Accordingly, the eligible Full Time Contingent Employees were appointed as Field Assistants under category 12 of A.P. Last Grade Service Rules. 1992 and placed on probation from the date of issuance of the said G.O. i.e. 20.01.2017.

2. Sri V.Rama Krishnam Naidu, S/o Tamminaidu, Vizianagaram District, who was covered in G.O.Ms.No.11, Finance (HR.III) Department, dated 20.01.2017 and appointed as Field Assistant under category–12 of A.P Last Grade Service Rules, 1992 in the time scale of Rs.13000–40270 in RPS, 2015 was retired on 30.09..2017 AN on attaining the age of superannuation i.e. 60 years. He has filed O.A.No.2745 of 2017 before the Hon'ble A.P. Administrative Tribunal, Hyderabad, seeking directions to the respondents to regularize his services soon after completion of five years i.e. 08.07.1991 or at least w.e.f. 25.11.1993 withall consequential benefits, such as, pay fixation, old pension Scheme, Revised pay scales etc.

3. The Hon'ble A.P. Administrative Tribunal, Hyderabad has allowed the O.A. at the admission stage and passed orders on 22.09.2017 in O.A.No.2745 of 2017 filed by Sri V.Rama Krishnam Naidu, Retired Field Assistant, Vizianagaram District, referring to the orders dated 13.09.2017 passed in O.A.No.1740,1741 & 1761 of 2017. The operative portion of the orders/judgment is as follows:-

> "I have also gone through the orders passed by me in the above batchand I am of the considered view that this OA is also squarely covered and the applicant is entitled for the same relief as was granted in the above said order".

(PTO)

Therefore, the Condition that the applicant shall be placed on probation stipulated under para No.11 of the G.O.Ms.No.11, dated.20.01.2017 is only set aside. The respondents are directed to regularise the services of the applicant with effect from 25–11-1993 and on such, the applicant is entitled for notional pay fixation and the service from that day shall be counted only for the purpose of pension and pensionary benefits. Appropriate orders in this regard shall be passed within a period of three months from the date of receipt of copy of this order"

With the above directions, the OA is disposed of at the admission stage with the consent of both the parties.

4. The individual has filed W.P.No.4596/2020 before the Hon'ble High Court of A.P., Amaravathi seeking directions to the respondents for implementation of Tribunal Orders dated 22.09.2017 in O.A.No.2745/2017. The Hon'ble High Court allowed the W.P. at the admission stage and passed the following orders on 25.02.2020,

..."For the aforesaid reasons, the Writ petition is disposed of, directing the respondents to implement the order of the Tribunal dated.22.09.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.2745 of 2017 within a period of three (3) months from the date of receipt of a copy of this order".

5. The Commissioner of Sericulture, A.P., Guntur being the 3rd Respondent in the above W.P. has informed to the petitioner vide reference 6th read above that the main case orders of Hon'ble APAT in OA No.1740/2017 and 3263/2017 and batch were challenged in W.P No.4247 of 2019 and 4994 of 2019 and were pending before the Hon'ble High Court. He was also informed that the petitioner's claim will be examined basing on outcome of the judgment in W.P.No.4247/2019 and 4994/2019 filed by the Government.

6. The Hon'ble Division Bench of High Court, A.P., Amaravathi have dismissed the above W.Ps. on 06.11.2020. Aggrieved by the orders of the Hon'ble Division Bench of High Court, SLPs have been filed before the Hon'ble Supreme Court of India, New Delhi vide SLP Nos.011166–011167 of 2021, which are pending on the file of Hon'ble Supreme Court of India.

7. The petitioner in O.A & W.P. has filed C.C.No.1089/2020 in W.P. No.4596/2020 before the Hon'ble High Court, A.P., Amaravathi for non–implementation of the above Hon'ble High Court orders. The Contempt Case came up for hearing on 03.09.2021 and the Hon'ble Court has posted the Contempt Case on 23.10.2021 for compliance, failing which the Respondents No.1,2 & 3 i.e., Principal Secretary to Finance (HR III) Secretariat A.P., Velagapudi, Guntur District; Special Chief Secretary to the Government of Andhra Pradesh, Agriculture and Cooperation Sericulture Department, Secretariat. A.P., Velagapudi, Guntur District and Commissioner of Sericulture Government of Andhra Pradesh Vijayawada Krishna District are directed to appear in person before the Hon'ble High Court, at Amaravathi on 23.10.2021 at 10.30 AM.

8. After careful examination of the entire issue and in order to avoid further legal complications, Government have decided to implement the orders of Hon'ble High Court of A.P. dated.25.02.2020 in W.P.No.4596/2020 in O.A.No.2745/2017 and hereby order to regularize the services of Sri V.Rama Krishnam Naidu, Retired Field Assistant, VizianagaramDistrict with effect from 25.11.1993 notionally in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994 for the purpose of pay fixation, pension and pensionary benefits, subject to further orders in SLPs pending before the Hon'bleSupreme Court of India, New Delhi and other SLPs pending in the similar matter.

9. This orders/relief being extended only to the incumbent petitioner mentioned in the above W.P. and not being treated as a precedent to be extended to any person/persons claiming to be similarly situated.

10. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

Contd..P.3..

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11. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/46/2021, dated 21-10-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, Andhra Pradesh, Guntur.
The individual concerned through the Commissioner of Sericulture, A.P., Guntur
The Director of State Audit Department, Andhra Pradesh.
Finance (HR.I–Plg,& Policy) Department.
Copy to:
The Government Pleader for Services-I, A.P.High Court Buildings, Nelapadu
P.S to Hon'ble Minister (Agrl.& Coop)
P.S to Chief Commissioner RBKS & Spl.C.S to Govt., Agrl.& Coop Dept.,
P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.
P.S to Secy. to Govt., Finance (HR.I) Dept., A.P Sectt.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER